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November 16, 2007

### VIA E-MAIL AND MESSENGER DELIVERY

Honorable Mark Filip  
United States District Court  
Northern District of Illinois  
219 South Dearborn  
Chicago, IL 60604

Re: *CaremarkPCS Health, L.P. v. Walgreen Co.*,  
Case No. 07-C-6272

Dear Judge Filip:

On behalf of defendant Walgreen Co., I write in response to plaintiff counsel's letter dated November 15, 2007.

Walgreens understands the Court's ruling at the November 13 hearing and takes the Court's statements seriously. For this reason, prior to the submission of plaintiff CaremarkPLC Health, L.P.'s proposed order yesterday afternoon, Walgreens informed plaintiff that Walgreens' management had decided that it voluntarily will extend the contractual termination date of Walgreens' participation in the four health benefit plans at issue until November 29, 2007, the date alleged in Plaintiff's Verified Complaint and Motion for TRO. (Complaint, at 11; Motion at 2) Because Walgreens' decision affords Caremark the full 30-day notice it has claimed in this case, is memorialized in this letter and can be put on the record at the upcoming status or in a simple order, it obviates and, we submit, moots the need for the form of order required by Rule 65 and proposed by plaintiff. Notwithstanding plaintiff's submission of its proposed order, Walgreens stands by its decision to afford Caremark the 30 days' notice it claims.

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With respect to the proposed order submitted by plaintiff, Walgreens' sole objection is to the suggestion, in paragraph (c), that a temporary restraining order in this case may be "extended by order of the Court" beyond November 29, 2007. Any such extension is beyond the claim in plaintiff's complaint and the relief sought in its Motion for TRO. In addition, the proposed order itself is unnecessary given the decision of Walgreens' management as set forth above.

Thank you for consideration of this matter and our position. We look forward to the November 21st status, although we are prepared to participate in an earlier status or telephonic conference to discuss this or any other issue if the Court requests or believes it would be of assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew B. Bloomer, P.C.", with a stylized flourish at the end.

Andrew B. Bloomer, P.C.  
*Counsel for Defendant Walgreen Co.*

cc: Counsel of Record (via e-mail and messenger)